



DEC 31 2001

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PTO/SB/05 (12/97) (modified)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	030758.0005.UTL	Total Pages	165
First Named Inventor or Application Identifier			
Jerry Pelletier, et al.			
Express Mail Label No.	EL675944637US		

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## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL675944637US

Date of Deposit: November 30, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Nancy Overly-Walker

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☐ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification (Total Pages   
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) (Total Sheets   
[Total Pages - 4. ☐ Oath or Declaration (Total Pages 
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d)  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in  
the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- 5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the  
oath or declaration is supplied under Box 4b, is considered as being  
part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
10. ☐ English Translation Document (if applicable)  
Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS  
and Form 892 Citations  
Per Rule 97(d) copies of those documents are not provided.
11. ☐ Preliminary Amendment
12. ☐ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☒ Small Entity ☐ Statement filed in prior application,  
Statement(s) Status still proper and desired
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
15. ☐ Tables 1-8 - 58 pgs

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

- ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No:

## 18. CORRESPONDENCE ADDRESS

Wesley B. Ames  
Registration No. 40,893  
  
Brobeck, Phleger & Harrison LLP  
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San Diego, CA 92130  
Telephone: (858) 720-2500  
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- ☒ If a paper is untimely filed in the above-referenced application by applicant or his/her representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 50-1273. However, the Commissioner is NOT authorized to charge the cost of the issue fee to the Deposit Account.

The filing fee has been calculated as follows:


FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	-20 =	0	x \$18.00	\$0.00
INDEPENDENT CLAIMS	- 3 =	0	x \$78.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$0.00
			BASIC FEE	\$710
TOTAL OF ABOVE CALCULATIONS =				\$0.00
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$0.00
Assignment Recording Fee (if enclosed)				\$40
TOTAL =				\$0.00

- ☒ No filing fee is being paid at this time. Please apply any other required non-filing fees to Deposit Account No. 50-1273.
- ☐ A check in the amount of \$0.00 is attached.
- ☐ Charge \$\_\_\_\_\_ to Deposit Account No.\_\_\_\_\_ referencing docket no. \_\_\_\_\_.
- ☒ Applicant(s) hereby petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees or to credit any overpayment to Deposit Account No. 50-1273 referencing docket no. 030758.0005.UTL1. A duplicate copy of this transmittal is enclosed, for that purpose.

Dated:

Respectfully submitted,

By:

  
Wesley B. Ames  
Registration No. 40,893

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## UTILITY APPLICATION

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant(s): Jerry Pelletier, et al. Client: Phagotech  
Serial No.: To Be Assigned Filed: Herewith  
Attorney: Wesley B. Ames

DNA SEQUENCES FROM *STAPHYLOCOCCUS AUREUS* BACTERIOPHAGE  
44AHJD THAT ENCODE ANTI-MICROBIAL POLYPEPTIDES

Docket No.: 030758.0005.UTL1  
Date of Deposit: November 30, 2000  
Express Mail: EL 675944637 US  
Enclosure(s): Utility Application Transmittal (2 pgs); Cover Sheet (1 pg);  
Specification (78pgs); Claims (9 pgs); Abstract (1 pg); Figures 1-10  
(16 pgs); Tables 1-8 (58 pgs)

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(16 pgs); Tables 1-8 (58 pgs)



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Atty. Dkt. No. 073406-0307

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.  
Title: DNA SEQUENCES FROM  
STAPHYLOCOCCUS AUREUS  
BACTERIOPHAGE 44AHJD  
THAT ENCODE ANTI-  
MICROBIAL POLYPEPTIDES

Appl. No.: 09/727,892

Filing Date: 11/30/2000

Examiner: Unknown

Art Unit: Unknown

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.</p> <p><u>Karin E. Harden</u> (Printed Name)</p> <p><u>Karin E. Harden</u> (Signature)</p> <p><u>November 20, 2001</u> (Date of Deposit)</p>
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REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
Washington, D.C. 20231

Attn: Appl. Processing Division, Customer Correction Branch

Sir:

Attached is a copy of the official Filing Receipt received from the PTO in the above-referenced application.

There is an error with respect to the filing date. Applicant filed the above-identified application on November 30, 2000, not on December 1, 2000. Attached are copies of the Application Transmittal and Postcard to show the filing date of November 30, 2000 for your reference.

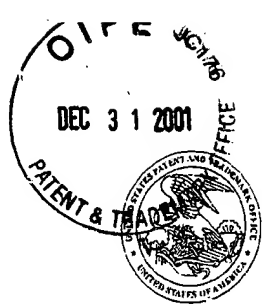
The correction is not due to any error by Applicant and, accordingly, no fee is due. Issuance of a corrected Filing Receipt is respectfully requested.

Respectfully submitted,

Date 20 November 2001  
FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6714  
Facsimile: (858) 792-6773

By Wesley B. Ames  
Wesley B. Ames  
Attorney for Applicant  
Registration No. 40,893

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/727,892	12/01/2000	1744	1420	073406-0302	16	30	8

CONFIRMATION NO. 3660

UPDATED FILING RECEIPT



\*OC000000006858453\*

Wesley B. Ames  
FOLEY & LARDNER  
23rd Floor  
402 W. Broadway  
San Diego, CA 92101

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DEPT.  
LARDNER

Date Mailed: 10/05/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jerry Pelletier, Baie-D'Urfe, CANADA;  
Philippe Gros, Lambert, CANADA;  
Michael Dubow, Montreal, CANADA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/168,777 12/01/1999

Foreign Applications

If Required, Foreign Filing License Granted 10/03/2001

Projected Publication Date: 01/17/2002

Non-Publication Request: No

Early Publication Request: No

Title

DNA sequences from staphylococcus aureus bacteriophage 44AHJD that encode anti-microbial polypeptides

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Preliminary Class  
435

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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